

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<p>In re:</p> <p>ASHINC Corporation, <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 12-11564 (MFW) (Jointly Administered)</p>
<p>YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND I, L.P.,</p> <p style="text-align: center;">Appellants-Defendants,</p> <p style="text-align: center;">v.</p> <p>CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE FOR ASHINC CORPORATION, ET. AL., AS SUCCESSOR TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF ASHINC CORPORATION, AND ITS AFFILIATED DEBTORS</p> <p style="text-align: center;">Appellees-Plaintiff,</p> <p>BDCM OPPORTUNITY FUND II, LP, BLACK DIAMOND CLO 2005-1 LTD., and SPECTRUM INVESTMENT PARTNERS, L.P.,</p> <p style="text-align: center;">Intervenors,</p>	<p>Adv. Proc. No. 13-50530 (MFW)</p> <p>Civ. No. 1:21-cv-00994 (CFC)</p>
<p>YUCAIPA AMERICAN ALLIANCE FUND I, L.P., and YUCAIPA AMERICAN ALLIANCE (PARALLEL) FUND I, L.P.,</p> <p style="text-align: center;">Appellants-Defendants,</p> <p style="text-align: center;">v.</p> <p>CATHERINE E. YOUNGMAN, LITIGATION TRUSTEE FOR ASHINC CORPORATION, ET AL., AS SUCCESSOR TO BDCM OPPORTUNITY FUND II, LP, BLACK DIAMOND CLO 2005-1 LTD., SPECTRUM</p>	<p>Adv. Proc. No. 14-50971 (MFW)</p> <p>Civ. No. 1:21-cv-00995 (CFC)</p>

INVESTMENT PARTNERS, L.P., BLACK DIAMOND  
COMMERCIAL FINANCE, L.L.C., as co-administrative  
agent, and SPECTRUM COMMERCIAL FINANCE LLC,  
as co-administrative agent,

Appellees-Plaintiff.

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and Rule 8023 of the Federal Rules of Bankruptcy Procedure, Appellee-Plaintiff Catherine E. Youngman, as Litigation Trustee for ASHINC Corporation and related debtors, and Appellants-Defendants Yucaipa American Alliance Fund I, L.P. and Yucaipa American Alliance (Parallel) Fund I, L.P., hereby stipulate and agree that the above-captioned appeal be dismissed in its entirety with prejudice with each party bearing its own costs, fees and expenses.

*[Signature Page Follows]*

Dated: August 10, 2023  
Wilmington, Delaware

**STIPULATED AND AGREED:**

**FOX ROTHSCHILD LLP**

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**GLASER WEIL FINK HOWARD AVCHEN  
& SHAPIRO LLP**


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*Counsel for Yucaipa American Alliance Fund  
I, L.P. and Yucaipa American Alliance  
(Parallel) Fund I, L.P.*

Agreed to By Intervenor:


INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By:   
Name: Stephen H. Deckoff  
Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,  
as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

By:   
Name: Stephen H. Deckoff  
Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By: \_\_\_\_\_  
Name: Jeffrey A. Schaffer  
Title: Managing Member

Agreed to By Intervenor:

INTERVENOR: BDCM OPPORTUNITY FUND II, LP

BY: BDCM Opportunity Fund II Adviser, L.L.C., its Investment Manager

By: \_\_\_\_\_

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: BLACK DIAMOND CLO 2005-1 LTD.

BY: Black Diamond Credit Strategies Fund Ltd.,

as assignee from Black Diamond CLO 2005-1 Adviser, L.L.C., its Collateral Manager

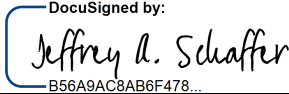
By: \_\_\_\_\_

Name: Stephen H. Deckoff

Title: Managing Principal

INTERVENOR: SPECTRUM INVESTMENT PARTNERS, L.P.

BY: Spectrum Group Management LLC, as Investment Manager

By:  \_\_\_\_\_  
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Name: Jeffrey A. Schaffer

Title: Managing Member